



# City of Chicago



O2019-289

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 1/23/2019

**Sponsor(s):** Emanuel (Mayor)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Sections 11-4-2190 and 11-4-2200 regarding permit and notification requirements for sandblasting, grinding and chemical washing of buildings, facilities or other structures

**Committee(s) Assignment:** Committee on Health and Environmental Protection



OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

January 23, 2019

TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Public Health, I transmit herewith an ordinance amending Sections 11-4-2190 and 11-4-2200 of the Municipal Code regarding permitting requirements for sand blasting and grinding.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

## ORDINANCE

### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

**SECTION 1.** Section 11-4-2190 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-2190 Sandblasting, grinding and chemical washing of buildings, facilities or other structures; permit and notification requirements; performance standards for lead paint abatement; and disposal of debris.**

~~The owner(s) of any building, facility or other structure to be sandblasted, ground, or chemically washed and any contractor or other person retained or otherwise authorized by the owner(s) to perform any sandblasting, grinding or chemical washing of any building, facility or other structure shall be responsible for complying with the following requirements:~~

~~(a) — Permits required for sandblasting, grinding or chemical washing of buildings, facilities or other structures. No person shall sandblast, grind or chemically wash any building, facility, structure, statue or other architectural surface without having first been issued a permit by the Department; provided, however, no permit shall be required for graffiti removal activities conducted by the Department of Streets and Sanitation. Before undertaking graffiti removal, the Department shall consult the graffiti registry compiled by Department of Cultural Affairs and Special Events to ensure the graffiti is not registered in accordance with Section 7-28-065. A permit shall be required for each individual building, facility, structure, statue or other architectural surface.~~

~~(1) — Minimum requirements: Applications for sandblasting, grinding or chemical wash permits shall be in such form as shall be prescribed by the commissioner Commissioner. The owner(s) of the building, facility, structure, statue or other architectural surface to be sandblasted, ground or chemically washed shall sign the permit application as co-permittees with any contractor or other person retained or otherwise authorized by the owner(s) to perform the sandblasting, grinding or chemical washing operation. At a minimum, every such application for a permit to sandblast, grind or chemically wash a building, facility, structure, statue or other architectural surface shall include the following information:~~

~~(a) Except as provided in subsection (a)(1), no person shall sandblast, grind, or chemically wash any building, facility, structure, statue, or other architectural surface without having first been issued a permit by the Department. A permit shall be required for each individual building, facility, structure, statue, or other architectural surface.~~

~~(1) No permit shall be required for graffiti removal activities conducted by the Department of Streets and Sanitation. Before undertaking graffiti removal, the Department of Streets and Sanitation shall consult the graffiti registry compiled by the Department of Cultural Affairs and Special Events to ensure the graffiti is not registered in accordance with Section 7-28-065.~~

~~(2) Applications for sandblasting, grinding, or chemical washing permits shall be in such form as the Commissioner shall prescribe. The owner(s) of the building, facility, structure, statue, or other architectural surface to be sandblasted, ground, or chemically washed shall sign the permit application as co-permittees with any contractor or other person retained or otherwise authorized by the owner(s) to perform the sandblasting, grinding or chemical washing operation. The Department shall only issue a permit to sandblast, grind, or chemically wash any building, facility, structure, statues, or other architectural surface if the following have been provided:~~

~~(i) The name, telephone number and address of every person having an ownership interest in the building, facility, structure, statue, or other architectural surface to be sandblasted, ground, or chemically washed;~~

(ii) The name, telephone number, and address of every contractor or other person performing the sandblasting, grinding, or chemical washing operation;

(iii) A sworn statement signed by each applicant agreeing to comply with the notification requirements set forth in ~~§subsections (b) and (c) of this section~~;

(iv) A sworn statement signed by each applicant that discloses whether the sandblasting, grinding, or chemical washing operation will occur on painted or unpainted surfaces. If the sandblasting, grinding, or chemical washing operation will occur on painted surfaces, the sworn statement shall include a representation that the applicants have complied with the laboratory testing and dust minimization requirements set forth in ~~§subsection (d) of this section~~ and have consulted the graffiti registry compiled by the Department of Cultural Affairs and Special Events to ensure the surface is not registered with the Department in accordance with Section 7-28-065;

(v) The address at which the sandblasting, grinding, or chemical washing operation will occur;

(vi) The estimated date(s) of the sandblasting, grinding, or chemical washing operation;

(vii) The estimated time period of the entire sandblasting, grinding, or chemical washing operation;

(viii) The laboratory test results from any testing required under ~~§subsection (d) of this section~~;

(ix) A dust minimization plan if required under the provisions of ~~§subsections (d) and (g) of this section~~; and

(x) A certification by the applicant that the information on the form is true, complete, and correct.

(xi) For renovations regulated under 40 C.F.R. § 745.82, a sworn statement, on a form prescribed by the ~~commissioner~~ Commissioner, signed by each applicant representing that: (1) individuals performing the renovation are properly trained in accordance with 40 C.F.R. Part 745, Subpart E; (2) renovators and firms performing the renovation are certified in accordance with 40 C.F.R. Part 745, Subpart E; and (3) the work practices in 40 C.F.R. 745.85 will be followed during the renovation. The ~~commissioner~~ Commissioner may require a copy of the certification issued pursuant to 40 C.F.R. Part 745, Subpart E to be submitted with such a statement.

~~(2)(3)~~ Permits Documents available for review: Copies of the permit and any laboratory testing results and dust minimization plans required under ~~§subsections (d) and (g) of this section~~ must be maintained at the location being sandblasted, ground, or chemically washed for the duration of the sandblasting, grinding, or chemical washing operation and must be made available to ~~city~~ City inspectors upon request.

(b) *Notification to occupants within the building.* At least 48 hours prior to the commencement of any sandblasting, grinding, or chemical washing, the permittees shall provide notice of the sandblasting, grinding, or chemical washing operation to all the occupants of the building to be sandblasted, ground, or chemically washed. Said notice shall be in writing and shall be by mail or otherwise and shall include the name, address, and telephone number of the person performing the sandblasting, grinding, or chemical washing; the address where the sandblasting, grinding, or chemical washing will occur; the estimated start date for the sandblasting, grinding, or chemical washing; and the estimated duration of the sandblasting, grinding, or chemical washing operation. In addition, the written notice shall also be conspicuously posted in the common area of the building and shall have attached to it a copy of the permit and permit application. This notice shall be in addition to the notice required in Section 7-28-065.

(c) Notification to neighboring area. The permittees shall also provide the notice required in subsection (b) of this section to all the occupants of every residential building of less than ten dwelling units and the owners, managing agent, or occupants of every residential building of ten or more dwelling units and every nonresidential building located within a 75-foot radius of the surface to be sandblasted, ground, or chemically washed when the building, facility, structure, statue, or other architectural surface being sandblasted, ground, or chemically washed is four or less stories in height. With respect to buildings, facilities, structure, statues, or other architectural surfaces more than four stories in height, the radius of the notification shall be determined by the ~~commissioner~~ Commissioner, giving due consideration to the public interest.

(d) *Sandblasting, grinding or chemical washing of painted surfaces; laboratory testing; minimization plan for dust from lead containing paint.*

(1) *Paint testing:* If any surface to be sandblasted, ground or chemically washed is painted, representative paint samples must be taken from that surface by a lead inspector duly licensed by the State of Illinois and tested for lead content by a laboratory certified by a duly authorized federal or state agency, or a recognized laboratory accreditation organization acceptable to the ~~commissioner~~ Commissioner. For purposes of this section, a representative paint sample means a sample containing all layers of paint on any surface to be sandblasted, ground, or chemically washed. The number of, and locations from which, representative samples shall be taken shall be subject to the approval of the ~~commissioner~~ Commissioner. All test results from the laboratory must be attached as part of the permit application and shall be submitted on a form signed by the laboratory and containing the laboratory's name, address, telephone number, and certification or accreditation number.

(2) *Lead containing paint:* If the paint contains more than five-tenths of one percent lead by weight, the paint shall be considered to be "lead containing" and the applicant must retain a state-licensed lead assessor to develop a minimization plan to ensure that dust emissions will be minimized during and after sandblasting, grinding, or chemical washing operations. The minimization plan must be attached to the permit application and shall be submitted on a form signed by the lead assessor and containing the lead assessor's name, address, telephone number, and state license number.

(e) *Rescheduling sandblasting, grinding or chemical washing project.* ~~In the event the permittees cannot perform the sandblasting, grinding or chemical washing on the estimated date(s) contained in the permit or within 72 hours thereafter, the permittees shall provide written notification to the Commissioner and all other persons required to receive notice under Subsections (c) and (d) of this section at least 24 hours prior to the commencement of the rescheduled sandblasting, grinding or chemical washing operation. No one shall engage in sandblasting, grinding, or chemical washing on a date outside of the date(s) granted in the permit. If a permittee needs to begin sandblasting, grinding, or chemical washing at a date later than the start date contained in the permit, then the permittee shall provide written notification to the Commissioner and all other persons required to receive notice under subsections (b) and (c) of this section at least 24 hours prior to the commencement of the rescheduled sandblasting, grinding, or chemical washing operation. For permittees working on a residential structure with more than four dwelling units or any nonresidential building, facility, structure, statue, or other architectural surface, (i) no later than one business day in advance of the permit start date, the permittee shall notify the Department that the sandblasting, grinding, or chemical washing will not begin as permitted, and (ii) inform the Department in a manner prescribed by the Commissioner of the new start date at least three business days prior to beginning the sandblasting, grinding, or chemical washing. Regardless of the type of project, any start date~~

which is beyond the time range allotted in the permit will require the application and approval of a new permit.

(f) *Removal and disposal of dust, debris or waste water from sandblasting, grinding, or chemical washing operations.* Dust, debris, and waste water generated by sandblasting, grinding, or chemical washing operations constitute waste as that term is defined in Section 11-4-120. Dust, debris, and waste water generated by sandblasting, grinding, or chemical washing operations must be removed from the site of the sandblasting, grinding, or chemical washing operation on a daily basis and must be disposed of at a landfill duly licensed in accordance with Section 11-4-1500 to accept such material or a permitted waste water treatment facility.

(g) *Dust minimization – Containment, wetting, or vacuuming; plan required.* Dust generated from any sandblasting, grinding, or chemical washing operation shall be minimized through the use of dust containment, wetting, vacuum attachments, or other such mechanical means as appropriate. A written dust minimization plan shall be prepared prior to beginning any work and the plan shall be implemented throughout the sandblasting, grinding, or chemical washing operation. A copy of the plan shall be maintained at the site throughout the course of the operation and shall be made available to the ~~commissioner~~ Commissioner of health or his the Commissioner's designees upon request.

(h) *Permit fees.* The fee for a permit to sandblast, grind, or chemically wash any building, structure, statue, or other architectural surface shall be \$200.00 per building, structure, statue, or other architectural surface. The permit fee shall be waived for any unit of federal, state, or local government or school district.

**SECTION 2.** Section 11-4-2200 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-2200 Violations – Public nuisance – Civil penalties – Joint and several liability.**

(a) *Civil penalties.* Violation of any of the provisions of this article is hereby declared to be a public nuisance. Any person found to have violated any of the provisions of this article shall be assessed a civil penalty in accordance with the following schedule.  
Schedule:

<i>Violation Type</i>	<i>Residential Structures With Four or Fewer Units</i>	<i>Residential Structures With More Than Four Units</i>	<i>All Other (Non-Residential) Facilities, Structures or Architectural Surfaces</i>
Failure to file a notice of intent and obtain required <del>DOE</del> <u>Department</u> approval pursuant to Section 11-4-2170(a) or failure to obtain approved permit pursuant to Section 11-4-2190(a)	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00

Failure to comply with provisions of Subsection 11-4-2170(e) or Subsection 11-4-2190(d)	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00
Failure to comply with provisions of Subsection 11-4-2170(b), (c), or (d), or Subsection 11-4-2190(b), (c), (f), or (g)	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00
Failure to comply with provisions of Subsections 11-4-2170(f)(1), 11-4-2170(f)(2), or 11-4-2170(f)(3) or Subsection 11-4-2190(e)	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00
Failure to comply with provisions of Subsection 11-4-2180(a)	Not less than \$500.00 and not more than \$1,000.00	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$2,000.00 and not more than \$5,000.00
Failure to comply with provisions of Subsection 11-4-2180(b)	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00
Failure to maintain documentation on site required under Subsection 11-4-2170(a)(2) or Subsection 11-4-2190(a)(23), or failure to comply with Subsection 11-4-2190(e)	Not less than \$250.00 and not more than \$500.00	Not less than \$500.00 and not more than \$1,000.00	Not less than \$500.00 and not more than \$1,000.00
Providing any information required by Sections 11-4-2150 through 11-4-2190 which the providing person either knew or reasonably should have known was false or misleading at the time provided	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00
Failure to comply with Section 11-4-2195	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00

Each day on which such a violation shall continue shall constitute a separate and distinct violation.

(b) Owners and contractors; joint and several responsibility. The owner(s) of any building, facility, structure, statue or other architectural surface shall be jointly and severally liable with any contractor or other person retained or otherwise authorized by such owner(s) to perform any demolition, renovation, sandblasting, grinding or chemical washing activity for any

violation of ~~any provisions under~~ this article caused by the action or inaction of any contractor or other person retained or otherwise authorized by the owner(s).

**SECTION 3.** Following due passage and approval, this ordinance shall take effect on June 1, 2019.